Exhibit 1

From: Xinchen Li

To: Born, Natascha; Hahn, Ashley V.; Philippe Selendy; Andrew Dunlap; Oscar Shine; Laura King; Todd M. Schneider;

Matthew S. Weiler; Raymond S. Levine; Srujana Shivji; "Mahzad K. Hite"; Sunny S. Sarkis; ccording@willkie.com;

tvalliere@tavlaw.com

Cc: O"Connor, Maeve; Greenfield, Elliot; Schaper, Michael; Schlegelmilch, Stephan J; Hotelling, David J.; Greenwell,

Barrett J.; michael@mjllaw.com; jacabed@mjllaw.com; william.kraus@pierferd.com; sahuja@dmablaw.com;

cbeal@dmablaw.com

Subject: RE: In re Tether and Bitfinex Crypto Asset Litigation, No. 1:19-cv-09236-KPF - Clawback Notice and Clawback

Production

Date: Friday, January 3, 2025 6:54:00 PM

Counsel,

Thank you for the meet-and-confer yesterday.

You confirmed on the call that B/T Defendants do not assert that the two documents at issue are protected from disclosure on any basis other than the attorney-client privilege.

We also asked you, during the call, if B/T Defendants have any factual bases to support their privilege assertion other than those already identified in your emails of December 12, 18, and 23, 2024 below. You confirmed they do not, saying you believe the facts provided are sufficient to establish privilege.

We disagree that you have satisfied your burden to establish attorney-client privilege over the two documents you now seek to claw back. We agree with your statement on the call that the parties have reached impasse. Plaintiffs reserve all rights.

Regards, Xinchen

Xinchen Li

Associate [Email]
Selendy Gay PLLC [Web]
Pronouns: she, her, hers

+1 212.390.9355 [O]

+1 424.325.8789 [M]

From: Xinchen Li

Sent: Monday, December 30, 2024 9:57 AM

To: Born, Natascha <nborn@debevoise.com>; Hahn, Ashley V. <avhahn@debevoise.com>; Philippe Selendy <pselendy@selendygay.com>; Andrew Dunlap <adunlap@selendygay.com>; Oscar Shine <oshine@selendygay.com>; Laura King <lking@selendygay.com>; Todd M. Schneider <tschneider@schneiderwallace.com>; Matthew S. Weiler <mweiler@schneiderwallace.com>; Raymond S. Levine <rlevine@schneiderwallace.com>; Srujana Shivji <sshivji@schneiderwallace.com>; 'Mahzad K. Hite' <mhite@schneiderwallace.com>; Sunny S. Sarkis

<ssarkis@schneiderwallace.com>; ccording@willkie.com; tvalliere@tavlaw.com

Cc: O'Connor, Maeve <mloconnor@debevoise.com>; Greenfield, Elliot

<egreenfield@debevoise.com>; Schaper, Michael <mschaper@debevoise.com>; Schlegelmilch,

Stephan J <sjschlegelmilch@debevoise.com>; Hotelling, David J. <djhotell@debevoise.com>; Greenwell, Barrett J. <bjgreenwell@debevoise.com>; michael@mjllaw.com; jacabed@mjllaw.com; william.kraus@pierferd.com; sahuja@dmablaw.com; cbeal@dmablaw.com

Subject: RE: In re Tether and Bitfinex Crypto Asset Litigation, No. 1:19-cv-09236-KPF - Clawback Notice and Clawback Production

Counsel,

Thank you. We will circulate an invite.

Regards, Xinchen

Xinchen Li

Associate [Email]
Selendy Gay PLLC [Web]
Pronouns: she, her, hers

+1 212.390.9355 [O] +1 424.325.8789 [M]

From: Born, Natascha <<u>nborn@debevoise.com</u>>

Sent: Monday, December 30, 2024 7:45 AM

To: Xinchen Li <<u>xli@selendygay.com</u>>; Hahn, Ashley V. <<u>avhahn@debevoise.com</u>>; Philippe Selendy

<pselendy@selendygay.com>; Andrew Dunlap <adunlap@selendygay.com>; Oscar Shine

<oshine@selendygay.com>; Laura King <lking@selendygay.com>; Todd M. Schneider

<tschneider@schneiderwallace.com>; Matthew S. Weiler <mweiler@schneiderwallace.com>;

Raymond S. Levine <<u>rlevine@schneiderwallace.com</u>>; Srujana Shivji

<sshivji@schneiderwallace.com>; 'Mahzad K. Hite' <mhite@schneiderwallace.com>; Sunny S. Sarkis

<ssarkis@schneiderwallace.com>; ccording@willkie.com; tvalliere@tavlaw.com

Cc: O'Connor, Maeve < mloconnor@debevoise.com >; Greenfield, Elliot

<egreenfield@debevoise.com>; Schaper, Michael <mschaper@debevoise.com>; Schlegelmilch,

Stephan J <sischlegelmilch@debevoise.com>; Hotelling, David J. <dihotell@debevoise.com>;

Greenwell, Barrett J.

bigreenwell@debevoise.com>; michael@mjllaw.com; jacabed@mjllaw.com; william.kraus@pierferd.com; sahuja@dmablaw.com; cbeal@dmablaw.com

Subject: RE: In re Tether and Bitfinex Crypto Asset Litigation, No. 1:19-cv-09236-KPF - Clawback Notice and Clawback Production

Counsel,

Thanks. We can meet at 2pm EST on January 2.

Best,

Natascha

Natascha Born | Associate | Debevoise & Plimpton LLP | nborn@debevoise.com | +1 212 909 6821 | 66 Hudson Boulevard, New York, NY 10001 | www.debevoise.com

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From: Xinchen Li <xli@selendvgav.com>

Sent: Thursday, December 26, 2024 8:41 PM

To: Born, Natascha <<u>nborn@debevoise.com</u>>; Hahn, Ashley V. <<u>avhahn@debevoise.com</u>>; Philippe Selendy selendy@selendygay.com>; Andrew Dunlap <adunlap@selendygay.com>; Oscar Shine <oshine@selendygay.com>; Laura King <|king@selendygay.com>; Todd M. Schneider

<tschneider@schneiderwallace.com>; Matthew S. Weiler <mweiler@schneiderwallace.com>;

Raymond S. Levine <<u>rlevine@schneiderwallace.com</u>>; Srujana Shivji

<sshivji@schneiderwallace.com>; 'Mahzad K. Hite' <mhite@schneiderwallace.com>; Sunny S. Sarkis

<ssarkis@schneiderwallace.com>; ccording@willkie.com; tvalliere@tavlaw.com

Cc: O'Connor, Maeve <<u>mloconnor@debevoise.com</u>>; Greenfield, Elliot

<egreenfield@debevoise.com>; Schaper, Michael <mschaper@debevoise.com>; Schlegelmilch, Stephan J <sischlegelmilch@debevoise.com>; Hotelling, David J. <dihotell@debevoise.com>; Greenwell, Barrett J.

<u>bigreenwell@debevoise.com</u>>; <u>michael@millaw.com</u>; <u>jacabed@millaw.com</u>; william.kraus@pierferd.com; sahuja@dmablaw.com; cbeal@dmablaw.com

Subject: RE: In re Tether and Bitfinex Crypto Asset Litigation, No. 1:19-cv-09236-KPF - Clawback Notice and Clawback Production

EXTERNAL

Counsel,

Thank you for your response. We are available from 12 to 3 PM EST on Thursday, January 2, to meet and confer.

Regards, Xinchen

Xinchen Li

Associate [Email] Selendy Gay PLLC [Web] Pronouns: she, her, hers

+1 212.390.9355 [O]

+1 424.325.8789 [M]

From: Born, Natascha <<u>nborn@debevoise.com</u>>

Sent: Thursday, December 26, 2024 10:44 AM

To: Xinchen Li <<u>xli@selendygay.com</u>>; Hahn, Ashley V. <<u>avhahn@debevoise.com</u>>; Philippe Selendy

<pselendy@selendygay.com>; Andrew Dunlap <adunlap@selendygay.com>; Oscar Shine

<oshine@selendygay.com>; Laura King <lking@selendygay.com>; Todd M. Schneider

<tschneider@schneiderwallace.com>; Matthew S. Weiler <mweiler@schneiderwallace.com>;

Raymond S. Levine <<u>rlevine@schneiderwallace.com</u>>; Srujana Shivji

<sshivji@schneiderwallace.com>; 'Mahzad K. Hite' <mhite@schneiderwallace.com>; Sunny S. Sarkis

<ssarkis@schneiderwallace.com>; ccording@willkie.com; tvalliere@tavlaw.com

Cc: O'Connor, Maeve < mloconnor@debevoise.com >; Greenfield, Elliot

<egreenfield@debevoise.com>; Schaper, Michael <mschaper@debevoise.com>; Schlegelmilch,

Stephan J < sischlegelmilch@debevoise.com >; Hotelling, David J. < djhotell@debevoise.com >;

Greenwell, Barrett J.

<u>bigreenwell@debevoise.com</u>>; <u>michael@mjllaw.com</u>; <u>jacabed@mjllaw.com</u>;

<u>william.kraus@pierferd.com</u>; <u>sahuja@dmablaw.com</u>; <u>cbeal@dmablaw.com</u>

Subject: RE: In re Tether and Bitfinex Crypto Asset Litigation, No. 1:19-cv-09236-KPF - Clawback Notice and Clawback Production

Counsel:

We agree to extend the deadline for resolving this dispute until January 3, 2025. Please let us know when you are available to meet and confer on January 2.

Regards,

Natascha

Natascha Born | Associate | Debevoise & Plimpton LLP | nborn@debevoise.com | +1 212 909 6821 | 66 Hudson Boulevard, New York, NY 10001 | www.debevoise.com

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From: Xinchen Li <<u>xli@selendygay.com</u>>

Sent: Tuesday, December 24, 2024 10:09 PM

To: Hahn, Ashley V. <a href="mailto:swing-selendy-sele

Page 6 of 11

<egreenfield@debevoise.com>; Schaper, Michael <mschaper@debevoise.com>; Schlegelmilch, Stephan J <sjschlegelmilch@debevoise.com>; Born, Natascha <nborn@debevoise.com>; Hotelling, David J. <djhotell@debevoise.com>; Greenwell, Barrett J. <bjgreenwell@debevoise.com>; michael@mjllaw.com; jacabed@mjllaw.com; william.kraus@pierferd.com; sahuja@dmablaw.com; cbeal@dmablaw.com

Subject: RE: In re Tether and Bitfinex Crypto Asset Litigation, No. 1:19-cv-09236-KPF - Clawback Notice and Clawback Production

EXTERNAL

Counsel.

According to your response, the sole basis for B/T Defendants to claim privilege over the two documents at issue is that they are drafts of an email that was subsequently sent to Morgan Lewis seeking legal advice regarding Tether's policy against insider trading.

However, B/T Defendants still fail to explain how the communications, especially the email between Julian and Matthew (both of whom appear to be lower-level compliance personnel who are not lawyers), were made predominantly *for the purpose* of soliciting legal advice.

Please let us know your availability to meet and confer on Thursday.

Alternatively, in light of the upcoming holidays, please inform us whether B/T Defendants agree that the parties will have until January 3, 2025 to resolve the current dispute, notwithstanding the protective order (Dkt No. 151).

Regards, Xinchen

Xinchen Li

Associate [Email]
Selendy Gay PLLC [Web]

Pronouns: she, her, hers

+1 424.325.8789 [M]

+1 212.390.9355 [O]

From: Hahn, Ashley V. sent: Monday, December 23, 2024 12:38 PM">nday, December 23, 2024 12:38 PM

To: Xinchen Li <xli@selendygay.com>; Philippe Selendy <pselendy@selendygay.com>; Andrew Dunlap <adunlap@selendygay.com>; Oscar Shine <oshine@selendygay.com>; Laura King lking@selendygay.com; Todd M. Schneider tschneiderwallace.com; Matthew S. Weiler mweiler@schneiderwallace.com; Raymond S. Levine rlevine@schneiderwallace.com; Srujana Shivji sshivji@schneiderwallace.com; 'Mahzad K. Hite' mhite@schneiderwallace.com; Sarkis ssarkis@schneiderwallace.com; Greenfield, Elliot

<egreenfield@debevoise.com>; Schaper, Michael <mschaper@debevoise.com>; Schlegelmilch,

Stephan J <sischlegelmilch@debevoise.com>; Born, Natascha <nborn@debevoise.com>; Hotelling, David J. <dihotell@debevoise.com>; Greenwell, Barrett J. <bigreenwell@debevoise.com>; michael@mjllaw.com; jacabed@mjllaw.com; william.kraus@pierferd.com; sahuja@dmablaw.com; cbeal@dmablaw.com

Subject: RE: In re Tether and Bitfinex Crypto Asset Litigation, No. 1:19-cv-09236-KPF - Clawback Notice and Clawback Production

Counsel.

We have already explained why Bitfinex_Tether_1004066 and Bitfinex_Tether_1004067 are privileged. They are drafts of an email to outside legal counsel at Morgan Lewis & Bockius LLP seeking legal advice regarding Tether's policy against insider trading. All copies of the email that ultimately was sent to outside counsel based on these drafts were withheld as privileged.

Your email, which refers to your assessment of "the face of the document," suggests that you reviewed and relied upon the contents of the documents that the B/T Defendants clawed back, which is prohibited by Paragraph 7(b) of the Stipulation and Order for the Production and Exchange of Confidential Materials, dated October 27, 2020, which states: "Inadvertently disclosed material cannot be used in a dispute over privilege."

We ask again that Plaintiffs confirm they have deleted or destroyed all copies of these two documents, as well as all materials reflecting the content of the two documents.

Thank you, Ash Hahn

Ashley V. Hahn | Associate | Debevoise & Plimpton LLP | <u>avhahn@debevoise.com</u> | <u>+1 212 909 6320</u> | <u>www.debevoise.com</u> Preferred Pronouns: she/her/hers

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From: Xinchen Li <<u>xli@selendygay.com</u>>

Sent: Thursday, December 19, 2024 4:57 PM

To: Hahn, Ashley V. <a href="mailto:vision-v

David J. <debevoise.com; Greenwell, Barrett J. <bigreenwell@debevoise.com; michael@mjllaw.com; jacabed@mjllaw.com; william.kraus@pierferd.com; sahuja@dmablaw.com; cbeal@dmablaw.com

Subject: RE: In re Tether and Bitfinex Crypto Asset Litigation, No. 1:19-cv-09236-KPF - Clawback Notice and Clawback Production

EXTERNAL

Counsel,

Thank you for your response.

As you know, the "burden is on a party claiming the protection of a privilege to establish those facts that are the essential elements of the privileged relationship." *Pac. Life Ins. Co. v. Bank of New York Mellon*, 2020 WL 6875170, at *2 (S.D.N.Y. Nov. 23, 2020) (Failla, J.) (internal citations omitted).

Communications between non-lawyers are not privileged "merely because they were purportedly 'done for the purposes of assisting outside litigation counsel." *Assured Guar. Mun. Corp. v. UBS Real Est. Sec. Inc.*, 2013 WL 1195545, *9 (S.D.N.Y. Mar. 25, 2013). Defendants' proffered reasoning does not explain how the predominant purpose of the communication, for example, from Julian to Matthew (both of whom are non-lawyers) was made for the purpose of soliciting legal advice. And nothing on the face of the document suggests Defendants were actually seeking legal advice.

Further in *Pacific Life*, the Court did not agree that communications including between non-lawyers concerning internal policies and procedures—which appears to be the subject of the communications at issue here—were privileged. *Pac. Life*, 2020 WL 6875170, at *4.

Please explain how the attorney-client privilege applies to each of these two documents. We reserve our rights.

Regards, Xinchen

Xinchen Li

Associate [Email]
Selendy Gay PLLC [Web]
Pronouns: she, her, hers

- +1 212.390.9355 [O]
- +1 424.325.8789 [M]

From: Hahn, Ashley V. avhahn@debevoise.com>
Sent: Wednesday, December 18, 2024 11:32 AM

To: Xinchen Li <xli@selendygay.com>; Philippe Selendy pselendy@selendygay.com>; Andrew
Dunlap <adunlap@selendygay.com>; Oscar Shine <oshine@selendygay.com>; Laura King
<lking@selendygay.com>; Todd M. Schneider <tschneider@schneiderwallace.com>; Matthew S.
Weiler mweiler@schneiderwallace.com; Raymond S. Levine rlevine@schneiderwallace.com;

Srujana Shivji <<u>sshivji@schneiderwallace.com</u>>; 'Mahzad K. Hite' <<u>mhite@schneiderwallace.com</u>>; Sunny S. Sarkis <<u>ssarkis@schneiderwallace.com</u>>; <u>ccording@willkie.com</u>; <u>tvalliere@tavlaw.com</u>

Cc: O'Connor, Maeve <<u>mloconnor@debevoise.com</u>>; Greenfield, Elliot

<egreenfield@debevoise.com>; Schaper, Michael <mschaper@debevoise.com>; Schlegelmilch,
Stephan J <sischlegelmilch@debevoise.com>; Born, Natascha <nborn@debevoise.com>; Hotelling,
David J. <dihotell@debevoise.com>; Greenwell, Barrett J. <bigreenwell@debevoise.com>;
michael@mjllaw.com; jacabed@mjllaw.com; william.kraus@pierferd.com; sahuja@dmablaw.com;
cbeal@dmablaw.com

Subject: RE: In re Tether and Bitfinex Crypto Asset Litigation, No. 1:19-cv-09236-KPF - Clawback Notice and Clawback Production

Counsel,

BITFINEX_TETHER_1004066 and **BITFINEX_TETHER_1004067** are draft emails to outside legal counsel Morgan Lewis & Bockius LLP that request legal advice. As such, these emails are privileged even though the draft emails were sent between non-lawyers. *See Pac. Life Ins. Co. v. Bank of New York Mellon*, No. 17 Civ. 1388 (KPF), 2020 WL 6875170, at *2 (S.D.N.Y. Nov. 23, 2020) ("The privilege protects both the advice of the attorney to the client and the information communicated by the client that provides a basis for giving advice.").

Please confirm that Plaintiffs have deleted or destroyed all copies of these two documents, as well as all materials reflecting the content of these two documents, in accordance with Paragraph 7(b) of the Stipulation and Order for the Production and Exchange of Confidential Materials, dated October 27, 2020.

Thank you, Ash Hahn

Ashley V. Hahn | Associate | Debevoise & Plimpton LLP | <u>avhahn@debevoise.com</u> | <u>+1 212 909 6320</u> | <u>www.debevoise.com</u> Preferred Pronouns; she/her/hers

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From: Xinchen Li <xli@selendygay.com>

Sent: Monday, December 16, 2024 4:49 PM

To: Hahn, Ashley V. <a href="mailto:visual-action-no-weight: blue-no-weight: b

<<u>egreenfield@debevoise.com</u>>; Schaper, Michael <<u>mschaper@debevoise.com</u>>; Schlegelmilch, Stephan J <<u>sischlegelmilch@debevoise.com</u>>; Born, Natascha <<u>nborn@debevoise.com</u>>; Hotelling,

David J. <debevoise.com; Greenwell, Barrett J. <bigreenwell@debevoise.com; michael@mjllaw.com; jacabed@mjllaw.com; william.kraus@pierferd.com; sahuja@dmablaw.com; cbeal@dmablaw.com

Subject: RE: In re Tether and Bitfinex Crypto Asset Litigation, No. 1:19-cv-09236-KPF - Clawback Notice and Clawback Production

EXTERNAL

Counsel,

We have received your request to claw back the two emails referenced below, both of which appear to be correspondence between non-lawyers. Plaintiffs object to B/T Defendants' claim that these communications are privileged or otherwise protected from discovery.

Please promptly identify the privilege or protection being asserted and provide a clear explanation of how the claimed privilege applies to these non-lawyer communications.

We are willing to meet and confer.

Regards, Xinchen

Xinchen Li

Associate [Email]
Selendy Gay PLLC [Web]
Pronouns: she, her, hers

i ronouns. sire, ner, ners

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From: Hahn, Ashley V. sent: Thursday, December 12, 2024 11:16 AM">

To: Philippe Selendy selendy@selendygay.com>; Andrew Dunlap <adunlap@selendygay.com>;
Oscar Shine <oshine@selendygay.com>; Laura King <lking@selendygay.com>; Todd M. Schneider
<tschneider@schneiderwallace.com>; Matthew S. Weiler <mweiler@schneiderwallace.com>;
Raymond S. Levine <revine@schneiderwallace.com>; Srujana Shivji
<sshivji@schneiderwallace.com>; 'Mahzad K. Hite' <mhite@schneiderwallace.com>; Sunny S. Sarkis

<sshivji@schneiderwallace.com>; 'Mahzad K. Hite' <mhite@schneiderwallace.com>; Sunny S. Sarkis <ssarkis@schneiderwallace.com>; Xinchen Li <xli@selendygay.com>; ccording@willkie.com; tvalliere@tavlaw.com

Cc: O'Connor, Maeve <<u>mloconnor@debevoise.com</u>>; Greenfield, Elliot <<u>egreenfield@debevoise.com</u>>; Schaper, Michael <<u>mschaper@debevoise.com</u>>; Schlegelmilch, Stephan J <<u>sischlegelmilch@debevoise.com</u>>; Born, Natascha <<u>nborn@debevoise.com</u>>; Hotelling, David J. <<u>dijhotell@debevoise.com</u>>; Greenwell, Barrett J. <<u>bigreenwell@debevoise.com</u>>; michael@mjllaw.com; jacabed@mjllaw.com; william.kraus@pierferd.com; sahuja@dmablaw.com; cbeal@dmablaw.com

Subject: In re Tether and Bitfinex Crypto Asset Litigation, No. 1:19-cv-09236-KPF - Clawback Notice and Clawback Production

Counsel,

On behalf of the B/T Defendants, we write to inform you that we hereby claw back the following documents on the basis of the attorney-client privilege: **BITFINEX_TETHER_1004066 and BITFINEX_TETHER_1004067**. These documents are draft emails to outside legal counsel for the Bitfinex and Tether Defendants and reflect requests for legal advice.

We request that you promptly replace these documents with the slipsheets that we will provide, delete any copies on your systems and/or destroy any hard copies or summaries of these documents, and confirm with notice in writing when you have done so. A replacement production for the documents will follow today via Accellion. The password for the overlay production is: yl>C? mNN?iXgs5w

This production is being made pursuant to the Stipulation and Order for the Production and Exchange of Confidential Materials, dated October 27, 2021. In this production, the B/T Defendants have not knowingly included any document or information covered by the attorney-client privilege, the work product doctrine, or any other applicable privilege or protection. Any inadvertent production of privileged or work product materials should not be considered a waiver of the relevant protection. Should you identify any document or information that appears to be privileged or otherwise inadvertently produced during your review, please notify us immediately and cease review of such information.

Thank you, Ash Hahn

Ashley V. Hahn | Associate | Debevoise & Plimpton LLP | <u>avhahn@debevoise.com</u> | <u>+1 212 909 6320</u> | <u>www.debevoise.com</u> Preferred Pronouns: she/her/hers

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